

ARTICLE 67.1-01

GENERAL ADMINISTRATION

Chapter
67.1-01-01 Organization of Board

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67.1-01-01-01. Organization of the education standards and practices board.

1. **History.** The autonomous education standards and practices board was established by legislation in 1993. The board came into existence effective January 1, 1995, and assumed its duties on July 1, 1995. The board has its origins in the teacher professional practices commission which served in an advisory capacity to the superintendent of public instruction for teacher certification, teacher preparation program approval, and professional development.
2. **Board organization.** The education standards and practices board consists of ten members appointed by the governor. The board membership includes four classroom teachers from public schools, one classroom teacher from a private school, two school board members, two school administrators, and one dean of a college of education. The superintendent of public instruction or designee serves as an ex officio, nonvoting member. The administrator's professional practices board is a subset of the education standards and practices board which includes the two school administrator members, two school board members, and two teacher members selected by the full board. The term of office of the board members is three years, commencing on July first of the year of their appointment. Members may serve only two consecutive terms.
 - a. **Officers.** The officers are a chairperson, vice chairperson, and secretary, who will be the board executive director. The officers will be elected for one-year terms at the reorganization meeting, which will be the first meeting called following July first of each year.
 - (1) The duties of the chairperson include:

- (a) Recognize members, state motions, and confine debate to the motion under discussion;
 - (b) Call for special meetings upon the request of a majority of the board in writing;
 - (c) Assist the director in preparing an agenda to be sent with the announcement of the next meeting;
 - (d) Designate board members to attend special meetings at board expense;
 - (e) Appoint standing committees and subcommittees;
 - (f) Be responsible for communicating all statements on the actions of the board in the execution of its duties; and
 - (g) Perform other duties as deemed necessary by the board.
- (2) The duties of the vice chairperson include:
- (a) Preside when the chairperson is absent or when called to the chair by the chairperson;
 - (b) Perform the duties of the chairperson until a new chairperson is elected in case of a vacancy in the office of the chairperson;
 - (c) Be acquainted with the duties and responsibilities of the chairperson; and
 - (d) Perform other duties as deemed necessary by the board.
- (3) The duties of the executive director include:
- (a) Record attendance of the board members;
 - (b) Keep an accurate record of all proceedings and distribute them to the members;
 - (c) Assist the chairperson in the preparation and distribution of the agenda;
 - (d) Notify all board members ten days in advance of any meeting;
 - (e) Send out all mailings and notices required by the board;

- (f) Prepare a financial statement for each regular meeting and coordinate vouchers;
 - (g) Release statements to the media, subject to board approval; and
 - (h) In the absence of the chairperson and the vice chairperson, call the meeting to order and preside while a temporary chairperson is elected.
 - b. Board members. Board members will have regular and functional attendance at all regular meetings. The chairperson will recommend to the governor that board members missing three consecutive meetings be replaced. Board members will send any materials for inclusion in mailings to the chairperson and director. Members will prepare input for each regular meeting. They will file a written report with the director after attending any subcommittee meetings.
3. **Meetings.** The education standards and practices board shall hold a minimum of four meetings annually. The year, for purposes of the board, begins July first and ends the last day of June during the ensuing calendar year. The meetings shall be scheduled by the membership at large, or at the call of the chairperson, or may be held upon the request in writing by a majority of the board members. The meetings may be held only after ten days' prior notice. A majority of the members constitutes a quorum that will have the authority to act upon any items of business properly placed before the board. Members should notify the secretary if unable to attend. Meetings will be conducted according to Robert's rules of order.
4. **Board compensation.** Each member of the board is entitled to receive compensation in the amount of sixty-two dollars and fifty cents per day and to reimbursement for expenses as provided by law for other state officers while attending meetings or performing duties directed by the board. A member of the board may not lose the member's regular salary and may not be required to refuse the compensation to which the member is entitled under this section for serving on the board.
5. **Contact information.** Licensure application packets and additional information about the rules of licensure of the education standards and practices board may be obtained by writing or calling:

Education Standards and Practices Board
2718 Gateway Avenue, Suite 303
Bismarck, ND 58503
Telephone: 701-328-9641
Fax: 701-328-9647

Requests for initial application packets should be made in writing and accompanied by the thirty dollar initial application packet fee.

History: Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006.

General Authority: NDCC 15.1-13-09, 28-32-02

Law Implemented: NDCC 15.1-13-02, 15.1-13-03, 15.1-13-04, 15.1-13-05, 15.1-13-06, 15.1-13-07, 15.1-13-29, 28-32-02

67.1-01-01-02. Duties of the education standards and practices board.

1. **Standards for professional ethics, performance, and practices.**
The board continuously reviews the North Dakota educator's code of ethics and rules, standards, and procedures pertaining to licensure, teacher education program approval, and professional development of educators. As part of the education standards and practices board, the board will solicit input from the teaching profession and representatives of school administrators, school board members, teacher educator professors, and other interested citizens. The board will be responsible for the interpretation of the North Dakota educator's code of ethics with requests for interpretation being placed in writing.
2. **Consideration of written complaints relative to code violations.**
Requests for an inquiry against any North Dakota licensed educator from any interested citizen will be heard by the board. The inquiry must be requested in writing. Any educator named in an inquiry will be notified and will be informed of the procedures that will be taken.
3. **Board-initiated complaints.** The education standards and practices board may initiate proceedings against any North Dakota licensed educator for cause as stated in North Dakota Century Code sections 15.1-13-25 and 15.1-13-26 or for violations of the educator's code of ethics.
4. **Complaint process.** A complaint by a citizen against a teacher or administrator is made by submitting a request for inquiry form to the office of the education standards and practices board.
 - a. A patron, a professional, or a district representative may obtain the request for inquiry forms and procedural guidelines from the office of the education standards and practices board.
 - b. The formal complaint process will begin when the requesting party returns the completed request for inquiry form to the secretary of the education standards and practices board. The form must be signed by the complainant. Supporting documentation must be included at the time the request for inquiry is submitted.

- c. The education standards and practices board secretary, upon receipt of the request for inquiry form, shall transmit a copy with the supporting documentation to the affected educator by certified mail.
- d. The affected educator may submit a clear and concise answer to the complaint within twenty working days from the day the certified mail is delivered. The answer must be sent to the secretary of the education standards and practices board and may include supporting documentation. If the affected educator fails to file an answer, the allegations in the complaint will be deemed admitted and the board shall proceed to a hearing pursuant to North Dakota Century Code sections 15.1-13-24 and 15.1-13-25.
- e. Upon receipt of the response from the affected educator, or passage of the deadline for a response, the education standards and practices board secretary will place the request for inquiry on the agenda of the next meeting of the education standards and practices board or administrator's professional practices board for preliminary discussion.
- f. At the education standards and practices board meeting, the education standards and practices board or administrator's professional practices board will review the written documents presented. No testimony will be heard at this time. Based upon the paper review, the board will determine the following:
 - (1) To dismiss the case.
 - (2) To seek additional information.
 - (3) To issue a warning or reprimand, or both.
 - (4) To initiate formal disciplinary action.
- 9. If the application for licensure is denied, or if the board determines to initiate formal disciplinary action that may result in suspension, revocation, or other appropriate disciplinary action, the applicant may request, in writing, a hearing. The hearing will be conducted according to the Administrative Agencies Practices Act, North Dakota Century Code chapter 28-32. Parties may be represented and provide testimony at the administrative hearing.
- h. Denial and revocation of an educator's professional license for convictions of crimes against children or sexual offenses:
 - (1) Notwithstanding any other law, the education standards and practices board shall deny an application for a teaching license and the education standards and practices board

or administrator's professional practices board shall revoke immediately the teaching license of an individual who has been found guilty of a crime against a child or a sexual offense.

- (2) An individual who is denied an educator's professional license or who has had a license revoked under this section may file a request with the education standards and practices board office for a due process hearing in accordance with this section and the Administrative Agencies Practices Act, North Dakota Century Code chapter 28-32.
- (3) The education standards and practices board may impose a fee against a licenseholder to reimburse the education standards and practices board for all or part of the costs of the administrative actions that result in disciplinary action against the licenseholder under this subdivision.

History: Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006.

General Authority: NDCC 15.1-13-08, 15.1-13-09

Law Implemented: NDCC 15.1-13-08, 15.1-13-24, 15.1-13-25, 15.1-13-26, 15.1-13-29

67.1-01-01-03. Fine for practicing without a license. The education standards and practices board may impose a fine against any individual without a valid license who is under contract in any position requiring a valid professional educator's license.

1. The fine imposed will be fifty dollars per day the individual practices without a valid license, up to a total fine of two hundred fifty dollars.
2. The effective date of the fine will be the first day after the educator's license has expired or the first day practicing before obtaining a valid license.
3. The educator will have five days after notification from the board to submit to the education standards and practices board all required information for license renewal before additional disciplinary action will be taken.
4. The license will be issued upon receiving the completed application and all documentation will be submitted to the board for its review.

History: Effective March 1, 2000; amended effective August 1, 2002; July 1, 2004.

General Authority: NDCC 15.1-13-09, 15.1-13-17

Law Implemented: NDCC 15.1-13-17